FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 5467 OF 2004.
IN
CRIMINAL APPEAL NO. 637 OF 2004..

Jayprakash B. Chavan. ..Applicant.
vs.
The State of Maharashtra. ..Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Mrs.Aniketa Aher-Savant for the applicant.

Shri D.P. Adsule,A.P.P. for the respondent.

CORAM: V.M.KANADE,J.
DATED: 09.02.2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P. for the State.

2. Applicant is convicted by the trial Court for having committed an offence punishable under section 376 of the Indian Penal Code and he is sentenced to suffer R.I. for 7 years. The applicant is in jail since 4.3.2004. The accused No.1-Satyanarayan Jaiswal has been released on bail by this Court by order dated 27.4.2004. The prosecution case is that the prosecutrix along with Salim was apprehended by the accused at Mankhurd Railway Station and thereafter prosecutrix

was taken in a hut where both the accused committed rape on her. In examination-in-chief she has not stated which of the accused had initially taken her to the hut and which of the accused was standing outside. In the cross-examination, the prosecutrix was not in a position to state her relation with Salim. She was also unable to state address where Salim resides. In my view, prima facie case is made out by the applicant for grant of bail.

3. The applicant be released on bail in the sum of Rs.5,000/- (five thousand) with one or two sureties in the like amount. Applicant shall, however, report to Kurla Railway Police Station twice in a month.

(V.M.KANADE,J)